

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/773,562-Conf. #3555
		Filing Date	February 6, 2004
		First Named Inventor	Kenji Inaba
		Art Unit	N/A
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission		Attorney Docket Number	02008/146001

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Combined Declaration and Power of Attorney Application Data Sheet
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Filing Fee for the Application (as shown on accompanying Fee Transmittal)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	Substitute Specification
<input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Remarks	Formal Drawings
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

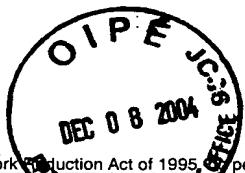
Firm Name	OSHA & MAX L.L.P.		
Signature			
Printed name	Thomas K. Scherer		
Date	December 8, 2004	Reg. No.	45,079

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 576721267 US, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 8, 2004

Signature: (Lisa H. Smith)

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\\$)</b> 1,480.00
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<b>Complete if Known</b>	
Application Number	10/773,562-Conf. #3555
Filing Date	February 6, 2004
First Named Inventor	Kenji Inaba
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No.	02008/146001

**METHOD OF PAYMENT** (check all that apply)

Check     Credit Card     Money Order  
 Deposit Account     None

Deposit Account Number **50-0591**  
 Deposit Account Name **Osha & May L.L.P.**

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  
 Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17  
 Credit any overpayments

To the above-identified deposit account.

Other (please identify): \_\_\_\_\_

**FEE CALCULATION****1. BASIC FILING FEE**

<u>Fee Description</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee Paid (\$)</u>
Utility Filing Fee	790	395	790.00
Design Filing Fee	350	175	_____
Plant Filing Fee	550	275	_____
Reissue Filing Fee	790	395	_____
Provisional Filing Fee	160	80	_____
<b>Subtotal (1)</b>	\$ 790.00		

**2. EXTRA CLAIM FEES**

<u>Fee Description</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>
Each claim over 20	18	9
Each independent claim over 3	88	44
Multiple dependent claims	300	150
For Reissues, each claim over 20 and more than in the original patent	18	9
For Reissues, each independent claim more than in the original patent	88	44

Total Claims      Extra Claims      Fee (\$)      Fee Paid (\$)  
 4 - 20 or HP = x = 0.00  
 HP= highest number of total claims paid for, if greater than 20

Indep. Claims      Extra Claims      Fee (\$)      Fee Paid (\$)  
 1 - 3 or HP = x = 0.00  
 HP= highest number of independent claims paid for, if greater than 3

**Multiple Dependent Claims**      Fee (\$)      Fee Paid (\$)

**Subtotal (2)** \$ 0.00

**3. OTHER FEES**

<u>Fee Description</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee Paid</u>
1-month extension of time	110	55	_____
2-month extension of time	430	215	430.00
3-month extension of time	980	490	_____
4-month extension of time	1,530	765	_____
5-month extension of time	2,080	1,040	_____
Information disclosure stmt. Fee	180	180	_____
37 CFR 1.17(q) processing fee	50	50	_____
Non-English specification	130	130	130.00
Notice of Appeal	340	170	_____
Filing a brief in support of appeal	340	170	_____
Request for oral hearing	300	150	_____
Other: <u>1051 Surcharge-Late filing fee</u>			130.00
			<b>Subtotal (3)</b> \$ 690.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	45,079	Telephone	(713) 228-8600
Name (Print/Type)	Thomas K. Scherer		Date	December 8, 2004	

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Dated: December 8, 2004

Signature:   
(Lisa H. Smith)



Application No. 146001

Attorney Docket No.: 02008/146001

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV 576721267 US in an envelope addressed to:

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on December 8, 2004  
Date



Signature

Lisa H. Smith  
Typed or printed name of person signing Certificate

Registration Number, if applicable

(713) 228-8600  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Fee Transmittal (1 page)  
Application Data Sheet (2 pages)  
Declaration and POA for Patent Application (4 pages) (Signed)  
Filing Fee (as shown on accompanying Fee Transmittal)  
Substitute Specification, 21 pages; w/Verification of Translation (1 page)  
Replacement sheets - Formal Drawings (4 figures, 4 pages)  
Part 2 Copy of Notice (2 pages)  
Two Month Request for Extension of Time Under 37 CFR 1.136(a) (1 pg)  
Response to Notice to File Missing Parts of Application (2 pages)  
Transmittal form (1 page)  
Payment by credit card. Form PTO-2038 is attached (\$1,480)

OCT 8 2004  
JC:js  
DEC 08 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail Airbill Number 576721267 US, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 8, 2004

Signature:

(Lisa H. Smith)

Docket No.: 02008/146001  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Kenji Inaba et al.

Application No.: 10/773,562

Filed: February 6, 2004

For: TESTING APPARATUS

Confirmation No.: 3555

Art Unit: N/A

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed August 9, 2004, Applicant respectfully submits a Combined Declaration and Power of Attorney, an Application Data Sheet, the Filing Fee for the Application (as shown on accompanying Fee Transmittal), a Substitute Specification, Formal Drawings (4 figures, 4 pages), and Part 2 Copy of Notice.

Please charge our Credit Card in the amount of \$1,480.00 covering the fee set forth in 37 CFR 1.17(a)(2), 1.16(e), and 1.16(a). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit

Account No. 50-0591, under Order No. 02008/146001. A duplicate copy of this paper is enclosed.

Dated: December 8, 2004

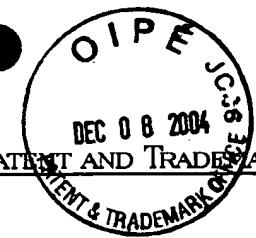
Respectfully submitted,

By 

Thomas K. Scherer  
Registration No.: 45,079  
OSHA & MAY L.L.P.  
1221 McKinney St., Suite 2800  
Houston, Texas 77010  
(713) 228-8600  
(713) 228-8778 (Fax)



## UNITED STATES PATENT AND TRADEMARK OFFICE



12-09-04

IFW

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/773,562	02/06/2004	Kenji Inaba	02008.146001

## CONFIRMATION NO. 3555

## FORMALITIES LETTER



\*OC000000013484422\*

Jonathan P. Osha  
ROSENTHAL & OSHA L.L.P.  
Suite 2800  
1221 McKinney St.  
Houston, TX 77010

Date Mailed: 08/09/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/10/2004 MMKONEN 00000023 10773562

01 FC:1250	450.00 OP	FILED UNDER 37 CFR 1.53(b)
02 FC:1001	790.00 OP	
03 FC:1051	130.00 OP	
04 FC:1053	20.00 DA	110.00 OP

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The application was filed in a language other than English. Applicant is required to provide an English translation of the specification and a statement that the translation is accurate. (See 37 CFR 1.52(d)).
- Applicant must file an English translation of the application, the \$ 130 fee set forth in 37 CFR 1.17(i), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- Because your specification was filed in a language other than English, the Office was unable to determine the number of claims submitted. Additional claim fees may be due once the number of claims can be determined.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawing figures contain text that is not in English (including, for example, a flow

chart that was originally not in English that has been marked up to include the English text) (see 37 CFR 1.84(p)(2) and 37 CFR 1.52(d)(1)). See Figure(s) ALL.

**SUMMARY OF FEES DUE:**

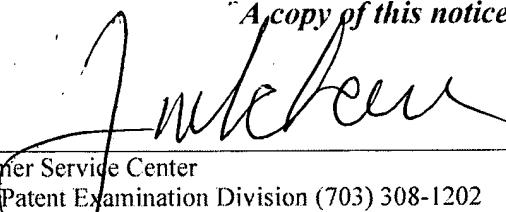
Total additional fee(s) required for this application is **\$1030** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- **\$130** for English translation surcharge required.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE